

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

VS.

4:13-CR-00221-01-BRW

SEDRICK REED

POST-INDICTMENT RESTRAINING ORDER

Pending is the United States' Motion for a Post-indictment Restraining Order (Doc. No. 28).

For the reasons set forth below, the Motion is GRANTED.

I. BACKGROUND

On July 31, 2013, the United States obtained a temporary restraining order enjoining Mr. Reed and others from moving assets from four of Mr. Reed's bank accounts -- namely, Arkansas Federal Credit Union account numbers XXXXX528-1, XXXXX528-8, and XXXXX528-9 and First Bank of Hope account number XXXXX344) (collectively the "restrained accounts"). On August 7, 2013, a federal Grand Jury Indictment charged Mr. Reed with conspiracy to commit drug-trafficking crimes and several substantive drug-trafficking violations.¹ The temporary restraining order expires after August 14, 2013, and the United States seeks an order enjoining Mr. Reed and others from moving assets from the restrained accounts while this case is pending.

¹ Doc. No. 24.

II. LEGAL STANDARD

Under federal law, a defendant convicted of certain crimes must forfeit all property she or he received as result of the crime, and all property she or he used to commit the crime.² To keep a defendant from disposing of such property before trial, district courts may issue a restraining order.³

III. DISCUSSION

The Indictment establishes sufficient probable cause for the issuance of a post-indictment restraining order. Though Mr. Reed is presumed innocent unless and until the United States proves beyond a reasonable doubt that he did, in truth and in fact, commit those crimes, the Indictment charges him with crimes, that if convicted, will subject the restrained accounts to forfeiture.

The need to preserve the availability of the restrained accounts through this order outweighs the hardship on anyone against who the order is entered. Any third-party claims to the restrained accounts may be properly brought and resolved in ancillary proceedings conducted by this Court following the execution of a Preliminary Order of Forfeiture in accordance with provisions of federal forfeiture law.

CONCLUSION

First Bank of Hope and Arkansas Federal Credit Union, and their facilities, must freeze or otherwise restrain all funds or other monetary instruments credited to the restrained accounts.

Sedrick Reed and Felice Reed, and anyone acting on their behalf, may not take any action that would affect the availability of the restrained accounts -- examples of prohibited actions

² 21 U.S.C. § 853(a).

³ 21 U.S.C. § 853(e).

include the following: withdrawing, assigning, pledging, distributing, encumbering, wasting, secreting or otherwise disposing of, or removing any part of their interest in the subject accounts.

The United States (or its agent) must serve a copy of this order on Mr. Reed, Felice Reed, First Bank of Hope, Arkansas Federal Credit Union, and anyone else who has an interest in the restrained accounts, and afterwards, must file a return with the Clerk of the Court.

This restraining order will remain in effect until further order of this Court.

A hearing is scheduled to commence at 2:00 p.m., Wednesday, August 14, 2013, in courtroom 389, Little Rock, Arkansas.

IT IS SO ORDERED this 14th day of August, 2013.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE